

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>G. RAYMOND COOK,</b>	:	<b>CIVIL ACTION NO. 1:04-CV-2406</b>
	:	
<b>Plaintiff</b>	:	<b>(Judge Conner)</b>
	:	
<b>v.</b>	:	
	:	
<b>JO ANNE B. BARNHART,</b>	:	
	:	
<b>Defendant</b>	:	

**ORDER**

AND NOW, this 16th day of February, 2006, upon consideration of the report of the magistrate judge (Doc. 11), recommending denial of an appeal from a decision of the Commissioner of Social Security, to which no objections were filed, and following an independent review of the record, and it appearing that the administrative law judge's decision to deny benefits was supported by substantial evidence of record, see 42 U.S.C. § 405(g); Williams v. Sullivan, 970 F.2d 1178, 1182 (3d Cir. 1992) ("Substantial evidence is such relevant evidence as a reasonable mind might accept as adequate to support a conclusion.") (quoting Kangas v. Bowen, 823 F.2d 775, 777 (3d Cir. 1987)); see also Plummer v. Apfel, 186 F.3d 422, 429 (3d Cir. 1999) ("An [administrative law judge] may reject a treating physician's opinion outright [] on the basis of contradictory medical evidence, [or] may afford a treating physician's opinion more or less weight depending upon the extent to which supporting explanations are provided."); Morales v. Apfel, 225 F.3d 310, 317 (3d Cir. 2000) (same); Tobak v. Apfel, 195 F.3d 183, 186 (3d Cir. 1999) (noting that the

principles of *res judicata* apply in the social security disability context), and that plaintiff's subjective complaints of pain were not supported by objective medical evidence, see Green v. Schweiker, 749 F.2d 1066, 1071 (3d Cir. 1984) (noting that subjective complaints, without more, do not constitute a disability); see also Schaudeck v. Comm'r of Soc. Sec. Admin., 181 F.3d 429, 433 (stating that great weight must be given to a claimant's subjective testimony when the testimony is supported by competent medical evidence), it is hereby ORDERED that:

1. The report and recommendation of the magistrate judge (Doc. 11) is ADOPTED.
2. Plaintiff's appeal from the decision of the Commissioner of Social Security is DENIED.
3. The Clerk of Court is directed to CLOSE this case.

/s/ Christopher C. Conner  
CHRISTOPHER C. CONNER  
United States District Judge